

From: [Noreen Walsh](#)
To: [Matt Kales](#); [Michael Thabault](#); nicole_alt@fws.gov; [pat deibert](#); [Theresa Rabot](#); [Mary Grim](#)
Cc: [Richard Hannan](#); [Ren Lohofener](#)
Subject: GRSG: issues needing further attention
Date: Friday, January 16, 2015 6:42:46 AM
Attachments: [Veg and Grazing 1.15.docx](#)
[Lek Buffer Application 1 15 15a.docx](#)

Today's webinar was cancelled because late-breaking or simmering issues are not resolved. I will need your review and advice. This is the universe of issues under continued discussion:

1. How to handle the USGS buffer report (they modified the work we did two days ago; attached) - all please review
2. Changes in the language that addresses grazing and veg management (they modified the previously agreed upon language; attached) - all please review
3. Explanation of the NV stronghold - our interpretation of what was changed with the Coates map and how to handle it - R6 and R8 were working on this issue; need a written explanation and recommendation that we can discuss before responding to BLM or DOI
4. OR exceptions for wind and solar - Terry was checking

Matt Kales will serve as lead to compile perspectives on each issue. Please work with him to provide your input this morning, as soon as possible.

Thank you AGAIN,

Noreen

-----Original Message-----

From: Edwin Roberson [<mailto:eroberso@blm.gov>]
Sent: Friday, January 16, 2015 3:55 AM
To: Noreen Walsh
Cc: Stephanie Carman; Matt Kales
Subject: Veg and Grazing 1.15.docx

Noreen, here is the edited version of the veg management and grazing section. I think you can open it in track changes. There were no change in veg. In grazing, we made clarification changes to address legal concerns about misinterpretation and some confusion among our field folks about what it meant. We clearly state they need to insure their NEPA includes GrHG related veg management objectives and land health standards. And, that they need to include a range of management responses related to the objectives which they can incorporate into the permits to allow them to change management when they need to without going through NEPA again. This had to be worded carefully and clearly.

This version includes an addition on grazing relinquishments that the conservation community asked in their comments that we include.

That's it. This what we will discuss at

9:30 with the DOI family (along with the buffer document and a updated

remaining issues document). Ed

Issue:**Direction:****Vegetation Objectives**

Greater Sage-Grouse (GRSG) Administrative Draft Proposed Plans (ADPPs) will establish and incorporate vegetation and GRSG habitat objectives (see Attachment II for specific guidance and a GRSG Habitat Objectives Table template that follows the Sage-Grouse Habitat Assessment Framework Technical Reference-6710-1). The vegetation and GRSG habitat objectives guidance states that the values for the desired conditions in the GRSG Habitat Objectives Table are to be used as a minimum to meet the applicable land health standard in sage-grouse habitats. Planning units may include additional indicators and desired condition values as appropriate. The desired condition value for each indicator can be a range of values rather than a single value (e.g., the value for the desired condition for sagebrush canopy cover in breeding and nesting habitat could be 15-25%).

The GRSG Habitat Objectives table is to be placed in the Special Status Species section of the ADPP. The vegetation objective should be placed in the Vegetation section of the ADPP.

Issue:**Direction:****Livestock Grazing Modifications**

The following ~~management actions~~^{decisions} will be included in the Livestock Grazing section of the ADPPs.

- ~~The BLM will prioritize~~ evaluation ~~the processing~~ of grazing permits/leases, ~~including those prior to renewal to determine if modification is necessary~~, in Sagebrush Focal Areas (SFAs) followed by PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in areas not meeting Land Health Standards, with focusing on those containing riparian areas, including wet meadows, ~~will take precedence over those areas meeting objectives/standards.~~ Additional criteria may be used for prioritization.
- The NEPA analysis for ~~proposed modification~~ renewals and modifications of livestock grazing permits/leases ~~during the renewal process~~ in SFAs and PHMAs will include ~~a range of alternatives and scientifically-based adaptive~~ with specific management triggers ~~thresholds based on GRSG Habitat Objectives Table and/or Land Health Standards (43 CFR 4180.2) and defined responses~~ that will allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA ~~and issuance of or issuing a proposed/final grazing decision.~~
- Allotments within SFAs, followed by those within PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions ~~of within~~ the grazing

permits. Field checks could include monitoring for actual use, utilization, and use supervision.

- *At the time a permittee or lessee voluntarily relinquishes a permit or lease, the BLM will consider whether the public lands where that permitted use was authorized should remain available for livestock grazing, and whether removing grazing on the area where it had been permitted would be beneficial to GRSG habitat.*

Attachment III provides guidance as to how the BLM will incorporate GRGS decisions from the Sage-Grouse RMP/Amendments into grazing permits/leases.

Attachment II

Greater Sage-Grouse (GRSG) Land Use Plans Vegetation Objectives Guidance

Purpose

- I. Provide the planning units with land use planning vegetation ~~objective~~objectives that need to be incorporated into the administrative draft proposed plans.
- II. Provide guidance on the use of a template for ~~vegetation~~GRSG habitat objectives in the Special Status Species section of the ADPPs.
- III. Provide guidance on ~~conducting~~prioritizing land health assessments in sage-grouse habitats and conducting assessments at the watershed scale using the sage-grouse habitat objectives.

Guidance

- I. Planning units will include the following land use plan vegetation objective within the Vegetation section of their administrative draft proposed land use plans (ADPPs) that states:

In all Sagebrush Focal Areas and Priority Habitat Management Areas, the desired condition is to maintain a minimum of 70% of lands capable of producing sagebrush with 10 to 30% sagebrush canopy cover. The attributes necessary to sustain these habitats are described in Interpreting Indicators of Rangeland Health (BLM Tech Ref 1734-6).
- II. Planning units will populate the GRSG Habitat Objectives table template to provide vegetation objectives for sage-grouse life history stages based on the ecology in your region. Planning units are encouraged to work across boundaries when developing the objectives. Provide appropriate peer-reviewed science to support the habitat values for the indicators. These desired condition value can be a range of values rather than a single value (e.g., the value for the desired condition for sagebrush canopy cover in breeding and nesting habitat could be 15-25%). Planning units may include additional indicators and desired condition values as appropriate (see the Sage-Grouse Habitat Assessment Framework (HAF, *Technical Reference 6710-1*) for appropriate indicators). The HAF contains values for habitat suitability indicators in sage-grouse seasonal habitats from the Connelly et al. (2000) sage-grouse guidelines and has incorporated- many of the core indicators in the AIM strategy (Toevs et al. 2011) as well. Planning units may use the indicator values from Connelly et al. (2000) while developing the land use plan Sage-Grouse Habitat Objectives table.

When using the indicators to guide management actions or during land health assessments, consider that the indicators are sensitive to the ecological processes operating at the scale of interest and that a single habitat indicator does not necessarily define habitat suitability for an area or particular scale. Indicators must be collectively reviewed, assessed based on the site potential, and put into spatial and temporal context to correctly determine habitat suitability which will include more than one scale and multiple indicators. Assessment and evaluation of these objectives will follow the steps described in the HAF.

The GRSG Habitat Objectives table is to be placed in the Special Status Species section of the ADPP and is to be used as a minimum to meet the applicable land health standard in sage-grouse habitats.

Greater Sage-Grouse Habitat Objectives

ATTRIBUTE	INDICATORS	DESIRED CONDITION	Reference
BREEDING AND NESTING (Seasonal Use Period March 1-June 15)			
Lek Security	Proximity of trees		
	Proximity of sagebrush to leks		
Cover	% of seasonal habitat meeting desired conditions		
	Sagebrush canopy cover		
	Sagebrush height		
	Arid sites Mesic sites		
	Predominant sagebrush shape		
	Perennial grass cover		
	Arid sites Mesic sites		
	Perennial grass and forb height		
	Perennial forb canopy cover		
	Arid sites Mesic sites		
BROOD-REARING/SUMMER¹ (Seasonal Use Period June 16-October 31)			
Cover	% of Seasonal habitat meeting desired condition		
	Sagebrush canopy cover		
	Sagebrush height		
	Perennial grass canopy cover and forbs		
	Riparian areas/mesic meadows		
	Upland and riparian perennial forb availability		
WINTER¹ (Seasonal Use Period November 1-February 28)			
Cover and Food	% of seasonal habitat meeting desired conditions		
	Sagebrush canopy cover above snow		
	Sagebrush height above snow		

- III. The BLM will prioritize land health assessments in Sagebrush Focal Areas (SFAs) followed by PHMAs outside of the SFAs. Field offices are to conduct land health assessments at the watershed scale and use the sage-grouse habitat objectives when assessing the applicable standard in sage-grouse habitats.

When conducting land health assessments, the BLM should follow, at a minimum, “Interpreting Indicators of Rangeland Health” (Pellant et. al. 2005) and the “BLM Core Terrestrial Indicators and Methods” (MacKinnon et al. 2011). For assessments being conducted in sage-grouse designated management areas, the BLM should collect additional data to inform the HAF indicators that have not been collected using the above methods. Implementation of the principles outlined in the AIM strategy will allow the data to be used to generate unbiased estimates of condition across the area of interest; facilitate consistent data collection and rollup analysis among management units; help provide consistent data to inform the classification and interpretation of imagery; and provide condition and trend of the indicators describing sagebrush characteristics important to sage-grouse habitat.

Attachment III

Incorporating GSGR RMP Decisions into Grazing Authorizations

Purpose

The purpose is to provide recommended ADPP language ~~and~~; outline the process for prioritizing the ~~modification~~evaluationprocessing of grazing permits/leases; to determine if modification is necessary (prior to renewal and in accordance with prioritization criteria); provide direction for adjustingincluding specific management thresholds and defined responses that will allow adjustments to livestock grazing within the terms and conditions of permits; and provide a process for prioritizing compliance monitoring within Sagebrush Focal Areas (SFAs) and Priority Habitat Management Areas (PHMAs).

Background

The BLM manages approximately 18,000 livestock grazing permits and leases on the public lands. Livestock grazing is an integral part of the BLM multiple-use mission and is authorized by the Taylor Grazing Act (1934), the Federal Land Policy Management Act (1976) and the Public Rangeland Improvement Act (1978). By statute and regulation, grazing leases and permits are normally issued for 10-year periods. Annually, a range of 1,200 to 3,200 grazing permits expire and the BLM receives 500 to 1,500 grazing permit/lease transfer requests.

The BLM currently issues permits/leases in accordance with ~~either~~:

- All applicable law, regulation, policy (NEPA, consultation, proposed/final grazing decision-also known as a fully processed permit); or
- Appropriation authority (Section 411, PL 113-76 for Various appropriation authorities enacted between 1999 and 2014 extending terms and conditions of expiring or transferred permits/leases that the BLM is unable to fully process before their expiration; or
- Section 402(c)(2) of FLPMA (as amended by Public Law 113-291, enacted December 19, 2014).

Congress has acted to ensure that grazing permittees could continue to graze if the BLM is unable to complete the environmental analysis mandated by the NEPA and other applicable laws. Since 1999, a provision (“the rider”) has been included in the Interior Appropriations bill that, in various forms, generally authorizes the BLM to renew grazing permits and leases under their same terms and conditions until it fully processes the permit renewal in compliance with NEPA, ESA, and other legal or regulatory requirements. The most recent rider is contained in Section 411, Public Law 113-76.¹ The ~~rider~~FLPMA amendment to Section 402 (c) allows BLM to

¹ The Consolidated Appropriations Act, 2014 includes the provision Section 411 which states: “Section 415 of division E of Public Law 112-74 is amended by striking “and 2013” and inserting “through ~~2015~~2015.” The terms and conditions of section 325 of Public Law 108-108 (117 stat. 1307), regarding permits at the Department of the Interior and the Forest Service, shall remain in effect through fiscal year 2015. A grazing permit or lease issued by the Secretary of the Interior for lands administered by the Bureau of Land Management that is the subject of a request for a grazing preference transfer shall be issued, without further processing, for the remaining time period in the existing permit or lease using the same mandatory terms and conditions. If the authorized officer determines a

renew grazing permits and leases under the same terms and conditions. This relieves the BLM's renewal processing workload, ~~which allows~~allowing the BLM to prioritize permit processing based on sensitivity of the resources at issue.²

The BLM may modify terms and conditions of a permit or lease at any time following completion of appropriate analysis and consultation, cooperation, and coordination³ with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public.⁴ Under 43 C.F.R. 4160.1, the BLM must serve a proposed decision on any affected applicant, permittee or lessee, any agent and lien holder of record, ~~and interested public who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits), or leases.~~ Copies of the decisions are provided to the interested publics.

Recommended Language to be incorporated as Livestock Grazing Management Actions within the GRSG ADPPs:

- The BLM will prioritize ~~evaluation~~the processing of grazing permits/leases, ~~within~~ including those prior to renewal to determine if modification is necessary, in Sagebrush Focal Areas (SFAs) followed by ~~other~~ PHMAs outside of the SFAs. In setting workload priorities, precedence will be given to existing permits/leases in areas not meeting Land Health Standards, with focusing on those containing riparian areas, including wet meadows, will take precedence over those areas meeting objectives/standards. Additional criteria may be used for prioritization.
- The NEPA analysis for ~~proposed modification~~renewals and modifications of livestock grazing permits/leases ~~during the renewal process~~in SFAs and PHMAs will include ~~a~~

change in the mandatory terms and conditions is required, the new permit must be processed as directed in section 325 of Public Law 108-108.” Where a FO is unable to fully process a permit renewal in compliance with all applicable laws prior to the permit expiration, Section 411 extends the authority to renew the grazing permit with the same terms and conditions as the expiring permit. Section 325 provides the process for authorizing grazing until a permit or lease is issued in compliance with all applicable law and regulatory processes.

² The newly amended section 402(c) of FLPMA provides permanent authority to BLM to renew expiring permits. That section states, “The terms and conditions in a grazing permit or lease that has expired, or was terminated due to a grazing preference transfer, shall be continued under a new permit or lease until the date on which the Secretary concerned completes any environmental analysis and documentation for the permit or lease required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.”

³ ~~43 CFR 4130.3-3 states: Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 (Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration).~~

⁴ 43 CFR 4130.3-3 states: Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 (Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration).

~~range of alternatives and scientifically based adaptive~~ with specific management ~~triggers~~ thresholds based on GRSG Habitat Objectives Table and/or Land Health Standards (43 CFR 4180.2) and defined responses that will allow the authorizing officer to make adjustments to livestock grazing without conducting additional NEPA ~~and issuance of~~ issuing a proposed/final grazing decision.

- Allotments within SFAs, ~~then followed by those~~ within ~~other~~ PHMAs, and focusing on those containing riparian areas, including wet meadows, will be prioritized for field checks to help ensure compliance with the terms and conditions within the grazing permits. Field checks could include monitoring for actual use, utilization, and use supervision.

- **Modifying Grazing Permits to Meet** At the time a permittee or lessee voluntarily relinquishes a permit or lease, the BLM will consider whether the public lands where that permitted use was authorized should remain available for livestock grazing.

Addressing GRSG RMP Amendments/Revisions Objectives in Grazing Permits/Leases

~~If an existing permit/lease within PHMAs will require the modification of a grazing permit (because it is not meeting the Land Health Standards), the BLM will prepare the appropriate NEPA analysis and issue the proposed/final grazing decision under 43 C.F.R. Subpart 4160, subject to administrative appeal and potential judicial challenge.~~

BLM will develop criteria to prioritize the workload to modify existing grazing process permits/leases (~~that were~~ either fully processed or ~~were~~ reauthorized based on the Congressional Appropriations rider), or issued under Section 402(c)(2) of FLPMA) and determine whether modification is necessary prior to renewal within PHMAs, beginning with those in SFAs. In setting priorities, those containing riparian areas and areas not meeting Land Health Standards (43 C.F.R. 4180) will take precedence. Potential criteria for prioritizing permit modifications could include:

- Are there riparian areas or wet meadows in the permit/lease area?
- Was current livestock grazing identified as a causal factor for not meeting Land Health Standards?
- Since the last allotment/watershed evaluation, is there current monitoring information to determine that the watershed/allotment is currently achieving or making significant progress towards achieving land health standards?
- Does the permit have terms and conditions adequate to ensure proper grazing practices to meet GRSG habitat objectives found in the Special Status Species section of the land use plan?
- Is there data that indicates that the GRSG habitat objectives found in the Special Status Species section of the land use plan are being met?
- Is there a request from the permittee to modify the terms and conditions of his/her permit?

Additionally, if an existing permit/lease within PHMAs requires modification because current grazing is a significant causal factor for not meeting the Land Health Standards, the BLM will

prepare the appropriate NEPA analysis and issue the proposed/final grazing decision under 43 C.F.R. Subpart 4160, subject to administrative appeal and potential judicial challenge.

The NEPA analysis ~~on the proposed modification for renewals and modifications of the permit/lease livestock grazing permits/leases in SFAs and PHMAs~~ will include ~~adaptive management options when the GRSG habitat objectives found in the Special Status Species section of the land use plan are not being met. The NEPA analysis should include a~~ a range of alternatives with specific management thresholds based on GRSG Habitat Objectives Table and/or Land Health Standards (43 CFR 4180.2) and defined responses that ~~allows~~ will allow the ~~authorized~~ authorizing officer to make adjustments to livestock grazing without conducting additional NEPA ~~or issuance of issuing a proposed/final grazing decision.~~ Adjustments to meet seasonal Sage-Grouse habitat requirements could include:

- Season or timing of use;
- Numbers of livestock (includes temporary non-use or livestock removal);
- Distribution of livestock use;
- Intensity of use; and
- Type of livestock (e.g., cattle, sheep, horses, llamas, alpacas and goats).

Compliance Monitoring ~~of Modified Grazing Permits~~

The BLM will monitor grazing permits/leases renewed or modified in accordance with the direction contained in this guidance as follows: Allotments within SFAs, followed by those in other PHMA, and focusing on those with riparian areas, will be prioritized for monitoring to ensure compliance with the terms and conditions in the permits. The BLM will collect, at a minimum, the following monitoring data:

- Actual Use
- Utilization
- Use Supervision

Concerning Voluntary Relinquishments

All ADPPs will include the following language:

At the time a permittee or lessee voluntarily relinquishes a permit or lease, the BLM will consider whether the public lands where that permitted use was authorized should remain available for livestock grazing.

For completing this, BLM offices should use WO IM 2013-184 Relinquishment of Grazing Permitted Use or the most recent policy guidance.

Issue: **Use of Lek Buffer-Distances in ADPPs**

Direction: The ADPPs will require the use of lek buffer-distances for all new BLM-managed and BLM-authorized anthropogenic disturbances in both GHMA and PHMA (see Attachment X) and drop-in Chapter 2 language:

“In undertaking BLM management actions, and consistent with valid and existing rights and applicable law in authorizing third-party actions, the BLM will apply the lek buffer-distances identified in the USGS Report Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review ([Open File Report 2014-1239](#)) in accordance with Attachment X. ”

Attachment X

Using Applying Lek Buffer-Distances When Approving Proposed Actions

- *Buffer Distances and Evaluation of Impacts to Leks*

Evaluate impacts to leks from proposed actions requiring ~~the~~ NEPA analysis. In addition to any other relevant information determined to be appropriate (e.g. State wildlife agency plans), the BLM will assess and address impacts from the following activities using the lek buffer-distances as identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* ([Open File Report 2014-1239](#)). ~~At a minimum,~~ The BLM will ~~use~~apply the buffer distances specified as the lower end of the interpreted range in the report:

- linear features (roads) within 3.1 miles of leks
- infrastructure related to energy development within 3.1 miles of leks.
- tall structures (e.g., communication or transmission towers, transmission lines) within 2 miles of leks.
- low structures (e.g., fences, rangeland structures) within 1.2 miles of leks.
- surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks.
- noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.

Justifiable departures from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts. The USGS report recognized “that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type, there is no single distance that is an appropriate buffer for all populations and habitats across the sage-grouse range”. The USGS report also states that “various protection measures have been developed and implemented... [which have] the ability (alone or in concert with others) to protect important habitats, sustain populations, and support multiple-use demands for public lands”. ~~Justifiable departures from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts.~~ All variations in buffer-distances will require appropriate analysis and disclosure as part of activity authorization.

In determining lek locations, the BLM will use the most recent active or occupied lek data available from the state wildlife agency.

- *For Proposed Actions in GHMA*

The BLM will apply the lek buffer-distances identified above as Conditions of Approval to fully address the impacts to leks as identified in the NEPA analysis.

- Impacts should first be avoided by locating the proposed action outside of the applicable lek buffer-distance(s) identified above.
- If it is not possible to relocate the project outside of the applicable lek buffer-distance(s) identified above, the BLM may approve the project only if:
 - ~~b~~Based on best available science, landscape features, and other existing protections, (e.g., land use allocations, state regulations), the BLM determines that a lek buffer-distance other than the applicable distance identified above offers the same or a greater level of protection to ~~Greater R~~Sage-Grouse and its habitat; or
 - ~~the~~The BLM determines that impacts to GRSG and its habitat are minimized such that the project will cause minor or no new disturbance (such as, for example, ex., by co-location with existing authorizations) ~~and minimizes impacts to Greater Sage-Grouse and its habitat;~~ and

○

- Any residual impacts within the buffer-distances are addressed through compensatory mitigation measures sufficient to ensure a net conservation gain, as outlined in the Mitigation Strategy (Appendix X).

~~○ Should the BLM approve a project in accordance with the above process, the BLM will issue a finding which documents the basis for determining that the approved buffer distance meets these conditions.~~

- *For Proposed Actions in PHMA*

The BLM will apply the lek buffer-distances identified above as Conditions of Approval to fully address the impacts to leks as identified in the NEPA analysis. Impacts should be avoided by locating the proposed action outside of the applicable lek buffer-distance(s) identified above.

~~–The BLM may approve proposed actions in PHMA that are within the applicable lek buffer distance identified above only if:~~

- ~~†The BLM, with input from the state fish and wildlife agency, determines, based on best available science, landscape features, and other existing protections, that a buffer distance other than the distance identified above offers the same or greater level of protection to Greater Sage-Grouse and its habitat; or,~~
- ~~In rare circumstances, it can be scientifically demonstrated, in coordination with the state fish and wildlife agency, that cumulative impacts to seasonal habitats for greater sage-grouse would be less than those that accrue if the buffer was met.~~

- ~~The justification for approval of such actions will be documented as a part of the project record.†The BLM will issue a finding which documents the basis for determining that the approved buffer distance meets these conditions.~~